L.R

(1892-93) AD-1895
1-15

Subs Instructions in re Con
servency and maintance
of public tops in
Supersession of Govt
Pros no 6621-8 dt. 12.5.80
P725

Previous references.

(1) Govt Pro: (printed)
No. 6621-8 of the 12.3.85
P. 725

(2) Notes by the Dewan
on Jour 13th 92 (Printed)

L.R. 217/1878-80
(2641) (Revenue Miscellaneous)

Later references.

Rev: Mis 15 89/90 1-8

Rev 226-05 1-8

Mis 312-35 1-3

GENERAL AND REVENUE SECRETARIAT.

Inc 235-37 (Revenue)

40

File No ~~1~~

Govt 92-93
1-15

~~1235~~
190

Serial Nos. 1-15

PART B. ~~FOR~~

SUBJECT.

Instructions in re conservancy and maintenance of Public tanks in supersession of Govt Pro: No 6621-8 P. 725 dated the 12th March 1885.

1. To the Dy Comrs of Bellary, Col Grant, Mr Ricketts, and Mr Chatterton Rao
Govt Pro: No 2312-22 of the 2.8.92
draws the attention of the above officers to para 20 of the Note of the Revenue Commr dated 4.6.92 and also to Govt Pro: No 6621-8 — P. 725 — of the 12.3.85 and requests to report upon the working of the orders contained in the Govt Pro: and also to suggest any alterations found necessary.

2. From the Survey Supt, No 624 of the 24.9.92
Submits his report called for by the above Govt Pro:

3. From the Dy Comr Shimoga, No 776-79 of the 16.11.92
G. R. S. Submits his report called for

4. From the Dy Comr Kissan Govt Pro S. 550 of the 16.11.92
Submits his report called for

5. From the Dy comr Chitaldrug, No 264 dt the 24.11.92
Submits his report called for

6. From the Dy comr Kadur, No 301 dt the 15.2.93
Submits his report called for

7. From the Excise Comr and Inspector Gl of Forests, No 3737 dt 17.3.93
Submits his report called for

8. From the Inspector General of Police No 1372-247 dt the 31.12.92
Submits his report called for

9. From the Dy comr Kolar, No 2339-347 dt the 30.1.93
Submits his report called for

10. From the Dy comr Mysore, No 1335 dt the 7.2.93
Submits his report called for

11. From the Dy comr Bangalore, No 376 dt the 13.3.93
Submits his report called for

12. From the Dy comr Kolar, No 3170-154 dt the 17.4.93
Submits a further report in continuation of his report No 2339-347 dt the 30.1.93

13. From the Dy comr Tumkur No 301 dt the 18.3.93
Submits his report called for

14. From the Dy comr Kolar, No 3170 dt the 16.5.93
Submits a further report in continuation of his report No 3170-154 dt the 17.4.93

15. To the Dys comrs of districts, The Supdt of Revenue Survey, Mr. H.P. Madhava Rao and Mr. Rickett, Rep No 1836 34 44 dt the 24.1.93
Reviews all the reports received lays down certain rules & the guides observed for the conservancy and maintenance of topes, in suppression of those contained in G.O. No 5621-8 dt the 12.3.92.
P. 725

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Assessment on topes planted for public use by private individuals.

LAST REFERENCE. Letter No. 3677/877 dated 16th May 1893 from the Dy Comm^r Salar Dist.

Ref Le (a)

With reference to para 201 of the Board's Notes of Tour dated 18th January 1892, the Deputy Commissioners of Distts and the Officers noted in the margin were requested to report how the orders of Govt contained in Proc^s No. 6621-8/P. 725 dated 12 Novr 1890 have been worked and what alterations were called for.

Serial No 1

* Col: Grant
Mr Ricketts and
Mr Madhava Rao

(+) Ref. Le (b)

Information was also asked as to the extent to which the planters of toper had come forward to pay assessment of the land from the date the topes were planted, and if their offers were accepted and the topes made over to them absolutely.

2. The orders of 1880 referred to above recited that public topes were in former years planted from charitable motives and in consideration ~~of~~ which Government exempted the topes and land from assessment. As this simple concession was found insufficient to promote the planting of new topes, rules were framed in 1886 authorizing the grant of waste lands in reward for the labor

* Revised and Republished as Appendix G. to Rev. Rules. Vide page 186. Paras 4 & 6 resp.

and the cost incurred in the planting: but, in the case of certain trees in the Hocklote and other tracts planted within the last 10 years, and without any stipulation as to grant of inam lands, excepting the use of the grass and the fruits of the trees, in respect of which grants to proprietary the planters, it was remarked that this arrangement was of doubtful expediency, and therefore directed that where the planters since forward, to pay the assessment of the land from the date of the planting of the trees their offers might with advantage be accepted and the

from 1880

in such cases

taken required as their private property subject to the payment of land assessment and that should these orders do not apply to their public lands and may treated as public and charitable lands.

3. In response to the call made by Govt as referred to in para 1 above, the officers named therein have submitted their views of which interfering is a summary:— With the exception of the Dy. Commrs Bangalore and Shimoga who do not give any opinion on the question at issue all the other officers consulted are of opinion

that the order of Mess^rs has had the injurious effect of rendering all the said wood that had been cut under the personal influence of Federal officers in cutting logs.

Serial No 13

4 Mr Maddison states that in his experience the above benefit is claimed by persons in need of wood either for fuel or for building: and the logs thus transferred are invariably cut down and that although in many cases he has asked the Survey Depart^t to have the agreement taken off the lands and the logs with matters treated as hitherto available.

Serial No 2.

5. Colonel Grant states that he has been so

thoroughly satisfied that the orders given were calculated to lead to the complete destruction of the topes that the introduction of the settlement into the various talukas, adopted the plan of entering topes wherever possible as "wasteland" and recording the rights of holders to such extent as the taking of palm leaf branches and the fruits.

Was record made in the Collector's office and recorded and the topes included in the village survey - Sales Who is wrong - Sales

6. In following paragraph Serial No. 5a Mr. Nicholls reports that in several localities the is called heirs of the original planters of both public and private topes have succeeded in getting their names entered at the survey settlement and registered in their own names, thereby securing an absolute proprietorship in them, with the trees to their real advantage and

then

tion regarding the lands. He proposes the following rules and conditions in the case of topes which have already been given out & occupied as above:—

(1) Holders of topes shall cut down only dead trees with the permission of Dy Commr; cultivate the land & enjoy the crop under the trees, also cut grass, leaves, lopping; and take the fruits of the trees.

(2) They shall plant 2 new trees for each dead tree felled.

3. Inamdars shall not cut public topes in their villages without consent of Govt and when they cut they shall plant another one new tree for each tree cut and removed.

7. With regard to the orders of 1880 he recommends the substitution of the following rules:—

(1) When applications are received for private topes or

condition of paying the assessment the Dy. Comm. should satisfy himself that it is a private tree for private benefit, and if the heirs of original planters are found and are willing to take it the proper preference should be given to them. If no heirs are found the tope may be given to the first applicant on condition that (a) they shall not cut green trees, (b) they may cut and remove dead trees with Commissioner's permission (c) they shall plant 2 new trees for each dead tree cut. (d) the land under the trees may be cultivated provided flood water is retained and (e) they shall be entitled to the grass on the land, leaves, lopping and fruit of trees.

II. In the case of trees attached to temple, Mosque, Math and other Public Institutions the Manager

thereof should be known
down to the above conditions

III. In the case of public
topes the deeds of original
planters should be made
to take care of them on
the above conditions. If
they are incapable, such
topes should be made
over to the Village Community
subject to above conditions
and at the discretion of
the Deputy Commr.

IV. In the case of un-
claimed topes containing
fruit and timber trees
they should be made over
to the Management of the
Forest Department.

8. In conclusion
Mr Rockett suggested that
any rules in connection
with this subject should
be published under the

forest Regulations to give them legal force: and states that the present rules for planting of trees and forest trees would suffice if the words "or appears dry land which has been waste for not less than 15 years" were inserted after the word land in para 1 of the Rules printed as appendix H to the Rules.

× appendix H Forest Rules

9. The Deputy Conservator of Salem states that the Rules of 1886 may stand in the case of topes planted by private individuals for public charitable purposes, and suggests certain rules in the case of private topes. These suggestions are more or less similar to those made by Mr Richetts. With regard to the planting of new topes Mr Sparkes suggests that the land may be given free

Serial No 11.

of assessment for 10 years in the case of assessed lands and 20 years in the case of unassessed lands the grantee to pay full assessment thereafter. The grantee is to plant 1/5 of the whole extent in each year and finish the whole planting within five years. In default of compliance with the conditions proposed the grantee will be liable to be fined the full amount of assessment for the period of occupation.

Serial No 5.

10. The Deputy Comm^{r} of Nasik states that there has only been a single case in which a private party came forward to buy the assessment and satisfy his rights: and that in this there were no applicants to plant teak trees. He suggests that the assessment

be charged as per plinth for public good, temples and other charitable institutions.

He also suggest that where tax yielding machinery produce such as ghee in are taxed a glass land assessment under tax an acre may be imposed for the first 12 years and full assessment afterwards; and that a cess of tax may be charged in the case of land plantations where there is scarcity for firewood. A special Con-cession is also proposed in the case of extra experimental crops such as Cocoa Rubber, Eucalyptus Tea.

11. The Deputy Commissioner of Mysore suggest that para 3 of Govt order of 1337 may be so far modified as to provide that any tax not required for public use

Circuit No 21

lands as reservation.

(3) topes planted on Govt lands by private persons or Village Communities at the instance and influence of Govt servants.

16. The first two and the last seven years standing belong to Government: and the orders of 1880 refer only to topes planted within ten years.† ~~[illegible]~~

17. Appendices J and K of the Rev Code + pp. 156 and 190 provide rules for the planting of avenue topes, avenue trees &c. and of plantations and

† Note. In the case of fresh applications the period may be 15 years previous to the date of the application.

fuel trees. The en-
-couragement given in
Order of 1880 appears to
inconsistent with the
above rule. [illegible]
[illegible].
As observed by some of
the officers granting ap-
-plications for tops are
generally made by private
individuals only to secure
the land after removing the
trees standing thereon.

Submitted for order.

18
cs
4/7.

The object of the Order of 1880 is to promote the planting of tops and trees. For whose benefit? For the benefit of the public it is inferred. Planting of a tope on private land by a private person may be therefore left out of consider-
-ation here. The order does not refer to older public topes.

on Govt land

It refers to topes of recent date, (that is planted subsequently to 1870) planted by the villagers as a body or by individuals (for public benefit) at the instance of the Dy Coll.

19. Topes thus planted by the villagers as a body if given to them on assessment would still be property owned by 10 persons (for the benefit of the public) (and thus liable to more abuse).

20 If topes planted by individuals be assessed & granted to them, private right would clash with public benefit. Men or Cattle should enter the tope with the owners express or general permissions.

21 The object of encouraging private topes for private purposes appears to be wide of the Order of 1880.

22. The planter of a tope on Govt land for the benefit of the public may have certain concessions - such as the use of gum, dead & fallen trees & branches & of fruit without

in the least interfering with the public use of men & cattle for shade & shelter.

23. In the margin of the draft of order no: 2312-22 / 116-92 of 12th: August: 1892 Hon'ble Mr. Chentsal Rao Pantulu says has recorded his opinion to the effect that he considers the order of 1880 to be a very proper one.

Submitted for orders.

VL
5/7/93

24. The orders of 1880 referred to in paras 1 and 2 above elicited some observations from the India Office. The Secretary stated that the order appeared to him unlikely to promote the planting of trees as expected by the Chief Commr.

Para No 1

Serial No 6 of Limited file No 891 for 93

Serial No 1

No 7. P
Linked file
89

25. In reply to enquiries made on this subject the Dy Comm[r] of Bangalore reported that no applications were received except that of Govinda Gowda who was put in possession of the tope as directed in the order of 1880 quoted above and doubted if many more applications would be made as the general tendency was not to appropriate the fruits, but to dedicate them to the public.

No 10.
(Linked file)

26. In explanation of the orders above cited (Govt Ref No) the Govt in Rev: No 5533-41/983 dated 27th Dec[r]: 880, stated that as charitable motives might not be always sufficient to promote the planting of topes it would become

necessary to look to private
interests and ~~to~~ the
ground of the tope as private
property on condition of
paying assessment from
the commencement of
planting, might afford
sufficient inducement.
The Dy Conservator and Survey
Supt were therefore requested
for opinion as to exemption of the lands from
~~temporarily~~ assessment
for a period of 10 years
as in Madras.
or less. They were also
asked to state whether
the Mysore Rules of 1846
might not be superseded
by the Rules in force
in Madras in regard
to Chattrams, and public
and private topes.

27. With the exception 11 to 22 of
of the Survey Supt and Enclosure

the Deputy Commissioners of Bellary and Bangalore all the other officers concurred & stated that Madras Rules might be introduced with advantage into Mysore. Col. Grant stated that it would be undesirable to except the Land Assessment as the concession would lead to abuse and deception and the assessment on Tope Lands would not be heavy. The Dy. Commr. of Bellary stated that exemption of assessment should be allowed only in

to the time the trees
bear fruits.

Cfr. on Richelet. the
fifteen Ry. Comm. of the
Bourgeois d'Orbe stated
that in former times
special inducements
were necessary to plant
trees, because no law
or custom recognized
the right of planters to
the fruit or other produce
of the trees they planted
in their own lands.
Indeed each planter
proved burdensome
in his share of actual
assessment. The
introduction of survey
rules has changed

Ps 21.

the existing lease of 10 years standing and if any alterations are required in them. The answer is found in 769, Lands/13 to 16 and 25 Supra

33. Orders are solicited on these and on the accompanying applications submitted under the above orders.

Submitted for orders.

H.B.

23/10/93 The orders of 1880 require to be modified.

2. The appeal preferred by Chinnaiya & another (Petn: No: 2136 of 1892-93) remains to be disposed of.

H
13/10/93

Subject for Adverse Orders

Attd

Memo

34.

The reports of local officers show that Charitable & public topes granted for private occupations have not improved under their new owners -

Our experience in this respect has been very different from that of Madras, and though we cannot interfere when the occupancy rights have already been granted under the orders of (Govt. of Bengal)

I am of opinion that such rights shd. never be granted in future either by the Revt. Dept. or by the Survey, nor shd. such topes be left unassessed as Survey is assessed or granted for occupancy exceptional

3.12.94

Rev Commr
from file

Serial No.

practically of no use either to travellers or to the village community with a report as to whether they could with advantage be sold in a public auction to be held as private topes, or transferred to the planters or their heirs on valuation, subject to the payment of full assessment.

MGCPB—50,000—17-2-05

Serial

Section

File No 4 [illegible]

Order

Serial No 1

No 23/2-22 d 12/15/16
25/16-92

[illegible] Order is
[illegible] para 5 of the
[illegible] of the Division
[illegible] Land & Coal
and the Orders issued in
Gr. Lin No 621-D. G. 12
X P725
March 1900. & they are
required to report how there
coal mining leases have been
worked and what alteration
if any are in their opinion
called for - also to
report the present output
Plans of the leases have come
forward with them and
the said leases are
-ted under para 3 of the
Rules cited - The Inspector
should also be requested
to forward with his report
Plans. Drawings in black -

I consider the order to be a very proper one WL

Copies for Inspectors for Madras

WL 10/8/92

Put up 12/10/92

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 12th August 1892.

No. 2312-22—R. F. 116-92, DATED, BANGALORE, 12TH AUGUST 1892.

ORDER.—The attention of Deputy Commissioners is drawn to para 201 of the Notes of the Dewan on Tour dated 16th January last and to the orders contained in Government Proceedings No. 6621-8—P. 725, dated 12th March 1880, and they are requested to report how these last mentioned orders have worked and what alterations, if any, are in their opinion called for. Deputy Commissioners will also report the extent to which planters of topes have come forward with offers and have had these offers accepted under para 3 of the Proceedings cited. The officers marginally named will also be requested to favor Government with their views on the same subject.

Colonel Grant.
Mr. Ricketts.
Mr. Madhava Rao.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioners of Districts.
Colonel Grant.
Mr. Ricketts.
Mr. Madhava Rao.

with 2 Spare Copies
32 Copies for Issue

Exd.—B.G.R.

Draft

1892.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 12th August 1892.

No. 2312-22.
R. F. 116-92.

Requesting the Deputy Commissioners to report how the orders issued in Proceedings No. 6621-8—P. 725, dated 12th March 1880, regarding the assessment on topes planted for public use by private individuals, have worked and what alterations are necessary, &c.

Mysore Govt. Central Press, Bangalore.—17-8-92--120.

Serial No. 5224 Dairy No. R 211 R. 1902

Section
Dairy No. Superintendent's Office
Serial No. Calcutta, the 4th September 1902.

To,

The Chief Secretary to the
Govt. of Bengal

Sir,

I have the honor, with reference to Proceedings of Government and Select No. 2012-22 dated 12th August 1902, R.J. 116 to offer my opinion, as follows, on the question of assessing and distributing generally of Cooked Food by private persons for publication

2. I have been so thoroughly satisfied in my mind that the Orders of 12th March 1902 were calculated to lead, in many instances to the complete destruction of the

Poor

I also conceive that I have during the introduction of the settlement into the various lands, adopted the plan, wherever possible, of entering Pleas as "Check" and recording the rights of holders, in the Trial Peaks, to such extent, as I have gathered from enquiries, that rights had hitherto existed, as for instance to the taking of any fallen dead branches and to the fruits etc holder of such rights consequently would find it to his interest to protect, and add to the number of the trees in the Lots. Were the Land to be cleared I have no doubt the cutting down and destruction

of

Diary No R 1299
11.11.92

Section
File No
Serial No

Memorandum Regarding Measurement of Rainfall at Muniyapa Reservoir 1892.

To

The Chief Secretary to the Diwan of Mysore

Sir,

With reference to Government Proceedings No 2312-22 dated 12th August last requesting a report how the orders of Government conveyed in Proceedings No 6021-8 dated 12th March 1880 p. 775 have worked and what alterations are called for, I have the honour to report that there are two instances of the kind in this district which is worthy mention, happening since March 1892.

2. Even in the Kaveri basin bordering on the Malnad there is little demand for rain-gauges, people in these parts do not seem to care to know how much rain falls in their immediate neighbourhood.

7.

3. Twenty (20) days notice of the time and place of the hearing upon any application for drainage under this act shall be given each petitioner, and each person who shall have filed a written request for such notice, and also each person who shall appear before the board of county commissioners at the time and place stated in such notice. Provided, however, that no notice shall be required to be given to any person who shall have appeared before the board of county commissioners at any regular meeting thereof or at any meeting to which the hearing shall have been continued.

Section 3 of Act No. 3021-B of the 1st Session of the 39th Legislature, Page 725, 1925.

Thanking you for your kind favor, I am,

Yours truly,

Chas. C. Coleman, Jr.
Deputy Commissioner

CCJ.

Small
Diary No. R 1502

8

No. 554
S.

Section
Ill. No. 2 Box Bdl 14

From, H. Cummings Esquire
Deputy Commissioner &
Kaira district.

To,
The Chief Secretary to the
Government of Bombay,

Sir,

With reference to Govt
order No. 2851 - 22 dated 12th
R.F. 116-92
August 1892, I have the honor
to state that the number of
Forfeitures occurring under the clause
therein described in every
Small in this District and
there has been a single
instance, as far as I remember,
in which private property
so much as pertaining to any
the Government and Kaira
Rights.

2. Likewise there have been

the application to obtain land
for planting Topes under ad-
-vancement of temporary Exemp-
-tion from paying assessment.
5. As for the large Topes called "Gunda Tope" almost
every village in the Madras
Talooka planted out. Same as in
case, but as a rule, the villages
are apathetic with regard to
the care and enforcement
the contrary being the exception.
4. In a few instances Style
(olive) Topes have been planted
by ryots on their own lands
for which they pay Kandayam.
These Topes are known only
pecuniarily to the Pro-
-prietors, having arisen the
consideration of charity and
public benefit, it is question-
-able whether planting Topes
has any inducement to the

for the Locality of four Leases and the Crop Lands have been classified in clause (2) above, should be enforced for the first seven years and thereafter the full Survey assessment according to the class of the Land and (4) where Experimental & Government Institutions Mercantile commodities such as Cocoa, Rubber, Eucalyptus and the like, liberal treatment is desirable and Government might grant Special terms by Local Ordinance.

I have the honor to be,

Sir,

Your most obedient

Servant

Commissioner

Eastern District

Diary No. R 1315
16/11/94

Serial No.
Section
File No. Chittoor Commissioners Office
Serial No. Chittoor District

No. 224. dt. 23.

Camp Chandragiri 16th March 1892.
Subject: As in cover.

To

The Chief Secretary to the
Government of Mysore.
Bangalore.

Sir,

With reference to Government Proceedings No. 2312-22 dated 12th August last, calling for a report regarding topographical information required in connection with the Honorable Court's receipt of the late Collector Commissioner's Proceedings No. 6621-3 dated 12th March 1888, Circular orders were issued to all the Amildars directing them to make known to the people within their respective Taluks the Commissioners proceedings and to make in favour of those that

that any Law framed Copies on Government Lands without the grant of any Grass Lands for this Copy-keep. The Settlers being now Called upon to state how far the terms of their Copies have Come fulfilled & their Advantage of the liberal view of the Government in the Regret, this explanation have shown that no Application have been received up to date with regard to such Copies.

2. The Public Copies that exist in the District are Held to be entirely Granted by private individuals who have been granted Separate Grass Lands for this Copy-keep or by the Settlers as a Boundary the instance of Public Copies, and no one individual has any right to the Same.

3. In my humble opinion, it is not desirable that Copies granted by Gratuitously disposed persons

persons should be given up to their
trial due regard of the
decision of Commissioners, instead
of such case impressing them as
the Chief Commissioner anticipated
in the above proceedings, they have
in other districts a very advantageous
effect of the whole transaction. But
the trial does evidence showing
any consideration to the object of
the practice of the Cyprus. Should
case of this sort clearly advan-
tageous in more than one way,
the practice may be encouraged
the existing right of enjoining
trial Jewish.

5. Other known principle affecting
present case is the Condition
native race making the Canada
this one, leaving this object
may be frustrated by this dis-
-cordant who would have an-
-Oriental Control over the property.

4. The existence of an analogous
and Virginia law, expressed

that

16

that since the publication of the
Chief Commissioner's Proceedings,
only two copies have been
printed on accord Land
one in each Talook.

I have the honour to be,
Sir,
Your most obedient Servant.
[illegible]
Secretary to
Chief Court Commissioner's
Proceedings

Diary No. 5.1083
19.12.92

No. 301

Section
Date of Receipt
Serial No

From,

The Deputy Commissioner,
Kurnool District.

To,

The Chief Secretary to the
Government of Bombay

Sir,

With reference to Government Proceedings, No. 28.12-92 R.F. dated 28th October 1892. and No. 6843-92 R.F. dated 18th November 1892. I have the honor to request attention to the office No. 516. J. dated January 1881, in reply to Proceedings, No. 5533-1 R. 783 dated 1880 issued under Proceedings, No. 552-8 P. 725 of 24th March 1880, in which the Madras Government has accepted the introduction of the Code Limited to force in the Madras Presidency.

It has been ascertained that

there is no instance in which offers are received & filed after the appointed & declared time of the opening of the bids which itself is an evidence that the rules of the Department have not remitted such. This may also be accounted for by the fact that the claim a Pecuniary time the award of these offers is not much felt.

I am of opinion that the rules of 1874, (enjoined in the Circular to the new Land Service Rules) may stand in the case of offers filed by private individuals for the use of the Indian from unavoidable motives.

As regards Timber Offers, I would suggest the giving an application, of access and an access land fee of Acres, must for a term not exceed 2 years to read as years, respectively, the grantee to pay full amount

thereafter. The condition to be annexed may be as follows:-

(1) That the grantee should plant out at least one-fifth of the total extent in each year subsequent to the grant, so that the total may be planted within the fifth year.

(2) That the grantee may not, without prior permission of the Forest Officer, remove dead trees, seasoned dead trees, or fallen trees from the land granted.

(3) That the grantee may with the permission of the Divisional Forest Officer fell trees when they mature, replacing them by new ones.

(4) That in default to comply with any of the above conditions, or in case of cutting, or in case of wilful injuring any trees, the grantee shall be held liable to fine not exceeding the amount of full assessment for the whole period of occupation.

File No R 1.96 Forest Commissioner
Section in Bangalore Bangalore
Dated 29 December 1892
Serial No

Rec: 3737/209

From

The Forest Commissioner
and Inspector General of Forests
in Bangalore

To

The Chief Secretary
to the Government of

Sir

With reference to your endorsement Proceedings Rec: 23-2-92, dated 2nd August 1892, calling for report as to how the orders in Forest Proceedings Rec: 21-5-92, dated 2nd March 1892, regarding [redacted] have worked and if any alterations are needed. I have the honor to state that the concession therein contained has, in many places, been productive to the gradual destruction of forests. Instead of encouraging the people to plant out trees, it has induced them to cut down all trees in the vicinity of their villages. The concession is construed to private lands only & they have accordingly encroached to the reserves into which many of the assessments of the lands so seized they stand from the date of obtaining them they become absolute proprietors of the trees, as well as the land, and under the terms of the concession they are at liberty to cut or destroy them at pleasure without obtaining permission

I have the honour to be
Sir,
Your most obedient Servt.

H H Parkes
Deputy Commissioner
Kadiri District.

And.

I have reason to believe that unscrupulous persons, in view to benefit themselves, obtain possession of even public topes of valuable trees, falsely representing them to be private, and shortly afterwards, then fell the trees and sell them, and then resign the lands.

2. It has frequently come to my notice that certain avaricious Zamindars and Rayam guttadars have destroyed large and valuable public topes planted in their villages before the alienation of the villages by former Native Rulers.

3. I have also been informed that, in several localities, the so called heirs or descendants of the original planters of such public and private topes, have succeeded in getting them assessed at the Survey settlement, and registered in their own names, thereby securing absolute proprietory rights to them. With the exception of any charitably disposed individuals who may have obtained them in view to improve them, or protect them from injury or destruction, all others would doubtless fell the trees and sell them to their best advantage, if they have not already done so, and then resign the lands on which they stands.

4. Under the above circumstances, the surface of the country, more especially in Eastern parts, is being denuded of vegetation, which is partly

the

the cause of the failure or unequal distribution of rain in such land, should therefore forthwith the following restrictions and conditions in order to the protection of trees already been given out, or occupied:—

(1) that persons to whom trees have been already granted under the terms of the permit under in question, shall be entitled to cut down any dead trees after obtaining the permission of the Deputy Commissioner in the Forest Department, or such other officer as may be authorized on this behalf, and also to cultivate the land under the trees and enjoy the crop raised thereon, together with the grass on it, and usufruct, that is to say, the leaves and lopping, as well as the fruit of the trees;

(2) that the occupants of the trees given out for the current assessment at or after the survey settlement, shall enjoy the privileges referred to in the last preceding clause (1), and besides being subject to the restrictions therein contained, they shall be bound to replant and raise two new trees for each and every dead tree felled by them; and

(3) that Inamdars and Pargunnatdars shall

shall not be entitled to cut down public topes in their villages without the consent of Government, and that for every dead tree felled by them in such topes or by the heirs of the original planter, they shall be bound to replant and grow one new tree.

6. I also beg to recommend that the following Rules may be substituted for the rules in Government Proceedings No: 662-5 of 1728 dated 2nd March 1880:—

I When an application is received for a private tope on condition of paying the assessment of the land on which it stands, the Deputy Commissioner shall enquire and satisfy himself that it is a tope planted for the private benefit of the planter; and if the heir of such planter is found, and if he is willing to occupy the tope for assessment, preference shall be given to him in the disposal of the application of the Deputy Commissioner sees no objection to do so, he may surrender the tope to the legal heir of the planter, or in the absence of such heir, or in the event of the heir refusing to take it up, to the first applicant on condition of his paying the assessment of the land on which it stands and subject to the following conditions:—

(1) that the grantee shall have no rights

to

to cut down green trees,

(2) that with the permission of the Taluk Board, he may cut and remove dead trees;

(3) that for every dead tree so cut and removed, two new trees shall be replanted and raised;

(4) that the land under the trees may be cultivated, provided that, if the land is assessed at dry rates, it shall not be irrigated from any permanent tank or other source unless the grantee pays the prescribed water cess; and

(5) that he shall be entitled to the grass on the land, and the usufruct, that is to say, the leaves and toppings as well as the fruit of the trees.

II In the case of topes attached to temples, mosques, mutts or such public institutions, the managers thereof should be bound down to the conditions similar to those in the last preceding para.

III Where there are public topes, the lessees of the plantains thereof should be made to take care of them under similar conditions, but in the absence of such lessees, or if the lessees be incapable of taking care of them, such topes shall be

be made over, at the discretion of the Deputy Commissioner, to the village community, subject to the conditions enumerated in para 5.

IV Where there are reclaimed topes containing valuable fruit trees or timber trees, they shall be made over to the care and supervision of the Plantation Department under the Inspector-General of Forests.

6. The condition [illegible] to state that such Rules as may be finally approved by Government on the above subject, should be published under the provisions of the Forest Regulation to give them legal force.

7. To prevent the planting of new topes or fuel plantations, I think the Rules published by Government in Appendix H of the Mysore Land Revenue Rules, would be complete if the following addition be made to them;— after the word "land" in para 1, insert "or assessed dry land which has been waste for not less than fifteen years." This addition appears to be absolutely necessary, inasmuch as unassessed waste land generally consists of hills and sterile tracts &c

quite

Diary No. R 1825. Serial 8
P. I. 93

No. 1872.
207

OFFICE OF THE INSPECTOR GENERAL OF POLICE IN MYSORE.

Section
Bangalore, 2nd December 1922.
File No
Serial No

Enclosure.

From

The Inspector General of Police
in Mysore,

To

The Chief Secretary to the
Government of Mysore.

SIR,

With reference to Government Proceedings No. 23-12-22 R. F. 116-92 of the 12th August last in which the Government call for my opinion on the working of order under which trees planted by villagers be given out to the planters on payment of the assessment leviable from the date of planting, I have the honour to state that the order has had the injurious effect of undoing all the good work that had been done under the personal influence of officers in raising trees.

My experience almost in all cases that I had to deal with, has been that the benefit of the order is claimed only by persons in need of wa

for 30

fuel or for building. The rights which are referred under the order to private ownership are invariably cultivated and I do not remember any instances of their being conserved for charitable purposes. The evil is very noticeable in the Bangalore District where, whenever I have noticed a fine tope being felled, I have been told that it had recently been taken over by the planter under the Proceedings of Government issued in 1880.

There are many large khadi topes sometimes with stepped walls and banians in them which during the survey settlement have been assessed for the fruit and given over either to the planter or to other applicant. I have, in many cases, both in Shimoga, Bangalore and French Rocks applied to the Survey Department to have the assessment taken off and the topes treated as kharab available fuel.

I have the honor to be

Sir,

Your most obedient servant.

J. M. Chaplin

Inspector General

Serial 9

(General Serial No. 30.)

OFFICE

8262

1893

Section

From

The No

The Deputy Commissioner

Serial No

Kolar District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 30th January 1893.

Despatched 1-2-93

Received

Enclosures No.

General No. 2339
No. 547 1892-93.

With reference to Government Proceedings No. 23/2-22 dated 12th August last, regarding the assessment on tope planted for public use by private individuals, I have the honor to state that the marginally noted Amildars report that no applications from the planters of charitable topes in their taluks have as yet been received offering to take off the same on Kandayam and disposed of under the Orders issued in Proceedings No. 6621-9 R-726

Siddaghatta
Mulbagal
Bowringpet
Kolar
Chickballapur.

Rec'd 8/2

32

dated 2nd March 88

2. The reports from the pe-
-manent Artillery and Deputy-
Artillery have not as yet been
received and on receipt of the
same, a further report will be
submitted on the subject.

Deputy Commissary
Kolar District

Diary No. R 2545 Smt 10 33

No. 1085.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 12th February 1893.

From A. Rangaswami Iyengar Esquire
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,

SIR, With reference to Government Proceedings No. 2312-22 / R. 116-92 dated 12th August 1892, regarding the cases pleaded for public use by private individuals, I have the honour to state that no cases are reported to have been received in any of the Talooks of the District for assessment of public cases under para 3 of the Government Proceedings No. 3621-8 / R. 725 dated 12th March 1880.-

2. The 3rd General Assistant Commissioner in his No. 99 dated 14th December 1892 states that the principle enunciated

enunciated in para 3 of Government Proceedings No. 6621-8/725 is fair and encouraging to planters.

3. The Sub Division Officer French Rocks states in his letter No. 693 dated 16th January 1893 that if the object in view of disposing the lands is also to prevent the indiscriminate cutting of the young trees without any regard to its future prospects by the owners, some more conditions may be inserted in the rules prohibiting such felling for the sake of fuel or timber and for the prompt substitution of other plants for those trees which may be destroyed by wind or age.

4. No opinion has been furnished by

6. It may be mentioned in this connection that some cases which had been originally started for public use or have been long enjoyed by the public without any encroachment, have been assessed and given out to private individuals during Survey and settlement with a view that the convenience of the Talukdar village officials and it is found very difficult to remedy these irregularities after they come to the notice of the District Officers.

7. The rules contained in Appendix G of the Land Revenue Rules seem to be sufficient to

encourage

38.

encourage formation of public Lots and Avenues.—

I have the honor to be,
Sir,
Your most Obed.t Servant.

Mairoux
Deputy Commissioner
Ayers District

Compd.
HLL.

Diary No. R 2566. Section II 39.
23A3-93

By Commissioners Office.

Subject

D.O. No. 896 No

Serial No Dated Bangalore 13th March 1893.

To

The Chief Secretary to the Govt
of Mysore.

Sir,

In reference to the proceedings of the Government No. 2312-22 dated 12th August 1892, calling for a report in the working of the rules regarding the assessment and assignment of public topes planted by private individuals, I have the honor to submit the following Report.

2. From reports received from the Amildars, I find that while 103 such topes in the Kankanhalli Taluk and 132 in the Devanhalli Taluk have been planted since 1870, none at all have been planted in the other Talukes. This

is hardly credible. I am writing to my Assistants charged with Jamabandi this year, carefully to investigate the matter and report the result. Of the 255 tapes reported to have been stamped since 1870, five tapes are reported to have been assigned on assessment. The result cannot be said to be encouraging. It is doubtful whether the orders of the 12th March 1880 were widely published. I shall publish the orders again and report the result at the end of this year.

I have the honor to be

Sir,

Your most Obedient Servant,

M Laughlin

by Commissioner.

Sub Division Office
Chickballapur

Camp: No: 2 Sheet: 1.

Dated Camp Bagepalli 2nd March 83.

To

The Deputy Commissioner
Kolar District.

Sir,

With reference to your endorsement calling for report as to how Government Proceedings No: 172 dated the 2nd March 1882 have been worked and the extent to which people take advantage of the same, I have the honor to state that the Amildars report that except in the Chickballapur Taluk no topes to which the Proceedings might apply have been planted within the last 20 years. The Amildar of Chickballapur states in the case of the few topes in his Taluk falling within the intention of the Government Proceedings, no applications have been received for getting them converted into private property. I am therefore unable to say how the Proceedings have worked in the Sub Division.

2. The rules published in Appendix H to the Mysore Land Revenue Rules would seem to fully meet the requirements of the case and to offer sufficient inducement to private individuals

44

for planting topes. I do not think that those that have planted topes could come forward to pay the heavy arrears of assessment from the date of planting. Even if the topes are protected, the first difficulties are that the sea will be removed and the lands thrown up

I have &c:

(Signed) A. Arbuthnot Major

Sub Divisional Officer

Copy

[illegible]

Deputy Commissioner

Kolar District

Kolar

No: 834. Diary No. R2705 Branch
Surveys Division

Deputy Commissioner's Office
Campbell City, 3rd April 1893.

Series
File No
Serial No

To,

The Chief Secretary to the
Government of Nigeria.

Sir,

I have the honor to acknowledge the receipt of Government order No: 2012-22 of the 28th August 1892 and your reminders Numbers 6146—55 R.F. 116-92, 6343—46 R.F. 116-92, 6358—64 R.F. 116-92, 6420—4 R.F. 116-92, 6349—50 R.F. 116-92 and 6982 R.F. 116-92, dated the 28th October 1892, 18th November 1892, 5th December 1892, 1st February 1893, 8th February 1893 and 13th April 1893, respectively, requesting for a return regarding the water, planted for public use by private individuals, and in reply have to furnish as follows:—

2. The Deputy Commissioner of Bamgadee having furnished me therewith copies of letters having a

a Reserve, round the site, planted by him on a piece of Government land for public benefit, the latter subject to Government. On disposing of the appeal the Government in order No. 1022-3 of the 22nd March '88 laid down that the meaning of the terms line, not under notice, viz: those planted by private individuals would tend to influence them inasmuch as such a step would convert them into private property and create an interest in them. The cancellation of that order having been questioned enquiry is made (in the order now under reply) as to how that order has worked, what alterations (if any) are called for; and to what extent planters of topes have come forward to have their topes accepted in accordance therewith.

3. The particular topes that are now existing are given that have planted

planted on Government lands by
Charitably disposed persons for benefi
ciaries without any idea of any return
but with the hope of attaining that
tion, secondly those that were plan
on Government lands for benefi
on getting land grants or remunera
tion on the basis Cashew Kernel Pro
-duct of 3 to 1 and thirdly those that
were planted on Government land by
Village Community at the instance
officers of Government Servants.
The trees planted on private lands
for-seizure, breach, purchase etc. be
ong to the above enumeration -
4. The chief modes of Forfeiture, o
believe, only to the types coming under
the first of the above 3 classes viz
those planted by private individuals
without any remuneration from
Government or without any contribution
in labour etc from the Villagers. Any
brief

living of a native, private (saving the title of the Government to the land on which they stand) it was thought proper (if desirable) to remove all inequivocation by asserting the land on which they stand from the date of planting and declaring them private property. So far as I am able to judge, I see no objection to it. Applications to have such trees exempt are not, however, many. There have only been a few of them since the issue of the order of 1850.

5. The topics granted on receipt of commutation from Government in the shape of land grants are not the property of any person but of Government as the latter has said for the use & alone and to be done. It is better to keep them as they are and enforce their proper maintenance by the persons that are enjoying the grants granted therefor in accordance

accordance with the conditions of the grant.

6. In regard to the 3d class of lots leased, those planted by Village Communities at the instance of the local officers it is not practicable to eliminate them in any one, because from the accounts given, for the Village Communities their planters and the Government as the proprietors of the land are likewise equally interested in them. I would have them also as they are and enhance them at much as possible by the same means as by which they were brought into existence.

7. There is an opinion that no change in the present rents is called for.

8. I am ashamed of the delay in making this reply. I had to await information from the district that from the district was only received on the 4th instant.

d

5

I have the honor to be,

Sir,

Your most obedient servant

Deputy Commissioner

Serial 14

Rev Branch's

(General Serial No. 30.)

15569.

1893. R 3363

Section

From

File No

Serial No

The Deputy Commissioner
Kolar District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 15th May 1893

Despatched 18th

Received

Enclosures No.

General No. 3577

No. 871.

His Office letter No. 754
dated 4th April 1893
submitting a report
on the Representation
of Topes planted by
private individuals
for Public uses

In continuation of the
above, has the honor
to report that the
number of Shadu and
the Deputy Conservator
of Forests Kolar Forest
Work Circle to whose
office Circle under
reference

M. G. C. P. Bangalore.—27-1-93.—5,000.

Read
19/5

52.

Reference Law Statute
Laws taken up by the
Assistant in charge
of Land Labor under
the Time specified in
Government Proceedings
No 3621-E dated 2 March
P725
1880.

Daniel
Assistant Commissioner

(1) Letter No 5-27 dd
September 94, from the
Inspr Superintendent

(2) Do No $\frac{777}{741}$ dd 11th Nov: 92
from the Dy Commr of Shimoga

(3) Do No $\frac{264}{243}$ dd 11. Nov: 92
from the Dy Comr of Chitaldrug

(4) Do No 301 dd 15th Dec 92
from the Dy Comr of Kadur

(5) Do No. $\frac{3737}{209}$ dd 7th January 93
from the Excise Comm r
and Inspector General of
Forests.

(6) Do No $\frac{1871}{207}$ dd 31st Dec: 92
from the Inspector General
of Police

(7) Do No 1065 dd 17th February 93
from the Dy Comm r of Bangalore

(8) Do No 896 dd 13th March 93
from the Dy Comm r of Bangalore

(9) Do Nos $\frac{3170}{754}$ & $\frac{3577}{871}$ dd 17th April 93 16th May
from the Dy Comm r of Kolar

(10) Do No 864 dd 18th April 93
from the Dy Comm r of Tumkur

Do No

Serial 15

Section
File No
Serial No

Petition of the Govt of
U. S. the Municipality of Ayuy.

Read -

Print

Filed 24 Nov

Leo 12534-44
R. T. 116-9-16 2-

27-Nov-25 Order -

Considering that the
planting of Tejas and tres
would be better promoted
by giving the planters an
absolute right in the Tejas,

the Chief Commissioner in his order dated 12th March 1881 No 6621-8/725 directed that all public topes planted subsequent to 1870 by the villagers as a body or by individuals at the instance of Deputy Commissioners without any stipulation for grant of Inam land, be recognised as the private property of the planters if they or their heirs consented to pay the full assessment of the lands from the date of the planting of the topes. But the Secretary of State for India doubted the expediency of the measure and called the attention of the Government of India to it. The matter was

Colonel Grant
Mr. Mallaratt
Mr. Ricketts

referred to the Chief Commissioner, but no final orders were passed. The subject however having again attracted the attention of Government, the Deputy Commissioners and the Officers noted in the margin were called upon in 1892 (Govt. Proceedings dated 12th August 1892 No. 2312-22 / 87 116-92.) to report how the rules contained in Government Proceedings of 1880 above referred to have worked and what alterations therein, if any, were called for. The letters read above are in reply to

2 The reports received show that only 6 Cases in the Bangalore City and 4 in Mysore, and a few in Tumkur were brought under the operation of the Proceedings

of 1880, and that even in those cases the Topes have not improved under private management. Probably the true cause of the planters not coming forward to take up the Topes in the hard condition of paying the assessment from the date of plantation and perhaps the same cause induced the owners to cut down the trees, but as these are not liberal rules for forward and other plantations for private use, Government do not consider it necessary to convert public Topes into private property and accordingly resolve to cancel the proceedings of 1880 above referred to, and to direct that in future no public plantation be given on full assessment to be treated as private property, but should however be

vide Khandesh Revenue Code

without the special orders of Govt.

be understood, that the rights of planters in Topes already granted on full Assessment under the Proceedings of 1850 are not to be interfered with.

3. The Conservancy of Public Topes Mr. Col ~~Forbes~~ be carefully attended to. Colonel Grant states that all public Topes have been entered in the Survey Registers as Khasal, and that the rights of the Planters, such as for instance taking dead Trees and branches, enjoying the produce of the trees, have been recorded in the Jamai Bandis, all Topes in which no such private rights exist being shown as "Government Topes." With reference to these Survey Records and from enquiries if necessary, Deputy Commrs should at once cause a

Register to be prepared
~~showing~~ for each village showing
(1) the position and area
of each Tope, (2) the number
and description of trees
it contains and (3) the
extent of private rights,
if any, existing in it, and
submit an abstract thereof
to this office with a report
as to the arrangements
made for their proper
conservancy.

4. As a rule, all
Public Topes should be
open to travellers and to
the villagers and their
cattle for shade and shelter,
and consistently with this condition
~~Article~~ it will no doubt
be difficult to prevent damage
to the trees and to conserve
their produce unless a
watcher is specially employed,
at least for all large
Topes, for looking after the
trees and their produce

land for planting new trees
in the place of dead trees and
in vacant grounds in the Topes.
Where private rights exist
it should be the duty of those
who enjoy such rights to
maintain the Topes and
this should be enforced - As
regards "Government Topes"
Deputy Commissioners are
requested to report whether
the topes would not be better
maintained if they are made
over to District Boards so that
they may be looked after
from the income of
the topes and other funds at
their disposal.

preserved by them, the cost of their maintenance being met

5. There may be a few topes, which, owing to their position, the present condition of trees, or other reasons, are practically of no use either to travellers or to the village community. In such cases, the Deputy Commissioners are requested to report whether they could not with advantage be sold in a public auction to the

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held as private topes, or transferred to the planters or their heirs on valuation subject of course to the payment of full assessment. If this could be done, a list of such topes with the necessary particulars should be submitted.

6. The instructions above given do not apply to scattered trees.

Ul 24/1/95

Re-draft

Ul 12/2/95

for Chief Secretary

To The Commr of Dist.
" Supt Revenue Survey
" Mr Mahaveo
" Mr Nicholls

Revise, & Decision be awaited on correspondence noted in order of 1880.

Ul 24/1/95

Proceedings of the Government of His Highness the Maharaja of Mysore (Revenue)—dated 24th January 1895.

READ :—

(1) Letter No. 524, dated 24th September 1894, from Survey Superintendent.
(2) Letter No. 777—741, dated 11th November 1892, from Dy. Commissioner of Shimoga.
(3) Letter No. 264—243, dated 11th November 1892, from Dy. Commissioner of Chitaldrug.
(4) Letter No. 301, dated 15th December 1892, from Deputy Commissioner of Kadur.
(5) Letter No. 3737—209, dated 7th January 1893, from Excise Commissioner and Inspector General of Forests.
(6) Letter No. 1872—207, dated 31st December 1892, from Inspector General of Police.
(7) Letter No. 1085, dated 17th February 1893, from Deputy Commissioner of Mysore.
(8) Letter No. 893, dated 13th March 1893, from Deputy Commissioner of Bangalore.
(9) Letters Nos. 3170—754 and 3577—871, dated 17th April and 16th May 1893, from Dy. Commissioner of Kolar.
(10) Letter No. 864, dated 18th April 1893, from Deputy Commissioner of Tumkur.

No. 12534-44—R. F. 116-92, DATED, BANGALORE, 24TH JANUARY 1895.

ORDER THEREON.—Considering that the planting of topes and trees would be better promoted by giving the planters an absolute right in the topes, the Chief Commissioner, in his order dated 12th March 1880, No. 6621-8—725, directed that all public topes planted subsequent to 1870, by the villagers as a body or by individuals at the instance of Deputy Commissioners without any stipulation for grant of Inam lands, be recognised as the private property of the planters if they or their heirs consented to pay the full assessment of the lands from the date of the planting of the topes, but the Secretary of State for India doubted the expediency of the measure and called the attention of the Government of India to it. The matter was referred to the Chief Commissioner, but no final orders were passed. The subject however having again attracted the attention of Government, the Deputy Commissioners and the Officers noted in the margin were called upon in 1892 (Government Progs. dated 12th August 1892, No. 2312-22—R. F. 116-92) to report how the orders contained in Government Proceedings of 1880, above referred to, have worked, and what alterations therein, if any, were called for. The letters read above are in reply.

Colonel Grant.
Mr. Madhava Rao.
Mr. Ricketts.

2. The reports received show that only six topes in the Bangalore District, one in the Hassan District, and a few in the Tumkur District were brought under the operation of the Proceedings of 1880, and that even in those cases the topes have not improved under private management. Probably the true cause of the planters not coming forward to take up the topes is the hard condition of paying the assessment from the date of plantation, and perhaps the same cause induced the owners to cut down the trees, but as there are now liberal rules for firewood and other plantations for private use, Government do not consider it necessary to convert public topes into private property, and accordingly resolve to cancel the Proceedings of 1880 above referred to, and to direct that in future no public plantations be given on full assessment to be treated as private property, without the special orders of Government. It should however be understood that the rights of planters in topes already granted on full assessment under the Proceedings of 1880, are not to be interfered with.

Vide Appendix Revenue rules.

3. The conservancy of public topes should be carefully attended to. Colonel Grant states that all public topes have been entered in the survey registers as Kharab, and that the rights of the planters, such as for instance taking dead trees and branches, enjoying the produce of the trees, have been recorded in the Faisal Patrikas, all topes in which no such private rights exist being shown as "Government topes." With reference to these survey records and fresh enquiries if necessary, Deputy Commissioners should at once cause a register to be prepared for each village showing (1) the position and area of each tope, (2) the number and description of trees it contains, and (3) the extent of private rights, if any, existing in it, and submit an abstract thereof to this office with a report as to the arrangements made for their proper conservancy.

4. As a rule, all public topes should be open to travellers and to the villagers and their cattle for shade and shelter, and consistently with this condition it will no doubt be difficult to prevent damage to the trees and to conserve their produce, unless a watcher is specially employed, at least for all large topes, for looking after the trees and their produce and for planting new trees in the place of dead trees and in vacant grounds in the tope. Where private rights exist, it should be the duty of those who enjoy such rights to maintain the topes, and this should be enforced. As regards "Government topes," Deputy Commissioners are requested to report whether the topes would not be better maintained if they are made over to District Boards so that they may be properly preserved by them, the cost of their maintenance being met from the income of the topes and other funds at their disposal.

5. There may be a few topes which, owing to their position, the present condition of trees, or other reasons, are practically of no use either to travellers or to the village community. In such cases, the Deputy Commissioners are requested to report whether they could not with advantage be sold in a public auction to be held as private topes, or transferred to the planters or their heirs on valuation subject of course to the payment of full assessment. If this could be done, a list of such topes with the necessary particulars should be submitted.

6. The instructions above given do not apply to scattered trees.

L. ANANTASAMI RAO,
for *Chief Secretary.*

To—The Deputy Commissioners of Districts.
The Superintendent of Revenue Survey.
Mr. V. P. Madhava Rao.
Mr. L. Ricketts.

Exd.—K.S.